

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 MICHAEL DENTON,

12 Plaintiff,

13 v.

14 PASTOR, JAMES-HUTCHISON,
CARUSO, MARVIN SPENCER,

15 Defendants.

CASE NO. 16-5314 RJB-DWC

ORDER GRANTING MOTION
FOR EXTENSION OF TIME

16
17 This matter comes before the Court on the Plaintiff's "Motion to Extend Any and All
18 Response Dates to Respond to Any All Deadlines" (Dkt. 107) and the Report and
19 Recommendation of U.S. Magistrate Judge David W. Christel (Dkt. 102). The Court has
20 considered the motion, the Report and Recommendation, objections, if any, and the remaining
21 record.

22 Plaintiff, a pro se prisoner, filed this civil rights case on April 28, 2016. Dkt. 1. Plaintiff
23 raises two claims in his Second Amended Complaint: (1) Defendants Lieutenant Charla James
24 Hutchinson and Sergeant Caruso denied Plaintiff due process when they revoked his good time

1 credits, and (2) Defendants Pastor and Spencer created a policy which denied Plaintiff incoming
2 mail. Dkt. 99.

3 On May 1, 2017, a Report and Recommendation was filed, recommending that the Court
4 deny Plaintiff's two motions for injunctive relief (Dkts. 52 and 65) because both motions seek
5 relief on matters outside the claims raised in the Second Amended Complaint. Dkt. 102. By
6 minute order, the Report and Recommendation is noted for consideration on June 16, 2017. *Id.*

7 On May 24, 2017, Plaintiff filed a pleading entitled "Emergency Motion for an
8 Evidentiary Hearing," in which he states that he was transferred to Western State, an inpatient
9 psychiatric hospital, for a competency evaluation. Dkt. 104. In that motion, Plaintiff alleges that
10 all his legal documents were taken from him when he was transferred. *Id.* Plaintiff seeks an
11 evidentiary hearing, a return of his legal documents, and a finding that Defendants violated his
12 constitutional rights. *Id.* Plaintiff filed a similar motion the next day (Dkt. 106), a third and
13 fourth on May 26, 2017 (Dkts. 108 and 109). These motions are noted for June 30, 2017.

14 Additionally, on May 26, 2016, Plaintiff filed a Motion to Extend Any and All Deadlines,
15 Response Dates, to Respond to Any and All Deadlines. Dkt. 107. In this motion, Plaintiff again
16 explains that he was transferred to Western State and did not have any of his legal documents.
17 *Id.* He moves the Court for an extension of all deadlines but does not request a specific
18 timeframe. *Id.* This motion was noted for consideration on June 16, 2017. *Id.*

19 On June 1, 2017, Defendants filed a Motion to Consolidate Pursuant to Civ. R. 42 (Dkt.
20 111) and noted the motion for June 23, 2017. In this motion, Defendants assert that Plaintiff
21 filed two separate related actions asserting civil rights claims regarding his confinement in the
22 Pierce County, Washington Jail. *Id.* Defendants move to have the cases consolidated. *Id.*

1 On June 14, 2017, Plaintiff notified the Court that he has been moved from Western State
2 and the Pierce County, Washington Jail to a state facility - Monroe Correctional Complex. Dkt.
3 119. Plaintiff states that he has not received any of his legal documents. *Id.*

4 On June 15, 2017, Plaintiff filed objections to the Report and Recommendation. Dkt.
5 120. He asserts that his motions for temporary restraining orders (Dkts. 52 and 65) should be
6 granted, repeating his prior assertions. *Id.* Plaintiff asserts that the Report and Recommendation
7 should not be adopted because, although it states he requests relief outside the Second Amended
8 Complaint, the Report and Recommendation fails to mention that the relief he seeks in his
9 motions for injunctive relief is requested, in part, in the Second Amended Complaint. *Id.*
10 Plaintiff asserts that the Report and Recommendation's finding that Plaintiff has access to
11 written legal materials is false. *Id.* Although Plaintiff is no longer housed at the Pierce County
12 Jail, he continues to assert that the jail "is violating his right to send and receive mail," the jail is
13 denying him access to legal materials, and the jail is violating his rights "due to the jail do [sic]
14 not have [sic] a disciplinary hearings board Plaintiff is being held in solitary confinement." *Id.*

15 In the interest of due process, Plaintiff's motion for an extension of time for all deadlines
16 (Dkt. 107) should be granted. Although Plaintiff has already filed objections to the Report and
17 Recommendation, Plaintiff has again been moved and has provided sufficient good cause for a
18 short extension of time. The Report and Recommendation (Dkt. 102) should be renoted for July
19 14, 2017. If Plaintiff wishes to file supplemental objections, those objections should be filed by
20 July 7, 2017, and address whether he is still entitled to the relief he seeks due to his move out of
21 the jail and into Monroe. If Defendants wish to respond to this issue or other matters raised in
22 the supplemental objections, any such response should be filed by July 14, 2017.

1 Plaintiff's other pending motions (Dkts. 104, 106, 108, 109 and 121) should be
2 considered together after a decision on the Report and Recommendation has been issued.
3 Defendants' Motion to Consolidate Pursuant to Civ. R. 42 (Dkt. 111) should also be considered
4 after the order regarding the Report and Recommendation filed. Plaintiff's motions (Dkt. 104,
5 106, 108, 109, and 121) and Defendants' Motion to Consolidate Pursuant to Civ. R. 42 (Dkt.
6 111) should be renoted for August 4, 2017. Any further motions should be noted for
7 consideration by the Clerk of the Court no earlier than August 4, 2017.

8 It is **ORDERED** that:

- 9 • Plaintiff's "Motion to Extend Any and All Response Dates to Respond to Any All
10 Deadlines" (Dkt. 107) **IS GRANTED**;
- 11 • The Report and Recommendation of U.S. Magistrate Judge David W. Christel
12 (Dkt. 102) **IS RENOTED** to **July 14, 2017**;
 - 13 ○ If Plaintiff wishes to file supplemental objections, those objections **ARE**
14 **DUE** by **July 7, 2017**, and address whether he is still entitled to the relief
15 he seeks due to his move out of the jail and into Monroe. If Defendants
16 wish to respond to this issue or other matters raised in the supplemental
17 objections, any such response **IS DUE** by **July 14, 2017**;
- 18 • Plaintiff's other pending motions (Dkts. 104, 106, 108, 109, and 121) and
19 Defendants Motion to Consolidate Pursuant to Civ. R. 42 (Dkt. 111) **ARE**
20 **RENOTED** to **August 4, 2017**; and
- 21 • Further motions, if any, filed in this case shall be noted for consideration by the
22 Clerk of the Court no earlier than August 4, 2017.

1 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
2 to any party appearing pro se at said party's last known address.

3 Dated this 19th day of June, 2017.

4
5 
6

7 ROBERT J. BRYAN
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24